

RESOLUTION NO. CZAB11-8-03

WHEREAS, **WILLIAM P. CALVERT, TR.** applied for the following:

- (1) AU to RU-TH
- (2) SPECIAL EXCEPTION to permit site plan approval for a residential development.
- (3) UNUSUAL USE to permit a lake excavation.
- (4) NON-USE VARIANCE OF ZONING REGULATIONS restricting private parking to adjacent groups of no more than 4 spaces with said groups separated by the use of landscape elements; to waive same.

A plan is on file and may be examined in the Zoning Department entitled " Countryside Villas," as prepared by Cad Studio Architecture, Inc., consisting of 15 sheets; to wit: Sheets A-1, A-1A, A-1B, A-1C and A-2 through A-9; and Sheets L-1, L-2 and L-3 as prepared by Hall & Bell, P.A. all dated received 9/17/01. Plans may be modified at public hearing.

SUBJECT PROPERTY: Tract 5 of MIAMI EVERGLADES LAND CO. SUBDIVISION, Plat book 2, Page 3 in Section 29, Township 54 South, Range 39 East.

LOCATION: The Southwest corner of S.W. 162 Avenue & S.W. 56 Street, Miami-Dade County, Florida, and

WHEREAS, a public hearing of Community Zoning Appeals Board 11 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and upon due and proper consideration having been given to the matter, it was the opinion of Community Zoning Appeals Board 11 that the requested district boundary change to RU-TH would not be compatible with the neighborhood and area concerned, and would be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be denied, and that special exception (Item# 2), unusual use (Item# 3), and non-use variance (Item# 4) would not be compatible with the area and its development and would not be in harmony with the general purpose and intent of the regulations and would not conform with the requirements and intent of the Zoning Procedure Ordinance, and that the requested special exception (Item#2) and unusual use (Item# 3) would have an adverse impact upon the

public interest and should be denied without prejudice, and that the proffered Declaration of Restrictions should not be accepted, and said application was denied by Resolution No. CZAB11-14-02, and

WHEREAS, COUNTRYSIDE INVESTMENTS, LLC f/k/a WILLIAM P. CALVERT, TRUSTEE appealed the decision of Community Zoning Appeals Board 11 to the Board of County Commissioners for the following:

(1) AU to RU-TH

SUBJECT PROPERTY: Tract 5 of MIAMI EVERGLADES LAND CO. SUBDIVISION, Plat book 2, Page 3 in Section 29, Township 54 South, Range 39 East.

LOCATION: The Southwest corner of S.W. 162 Avenue & S.W. 56 Street, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Board of County Commissioners was advertised and held, as required by the Zoning Procedure Ordinance, and after reviewing the record and decision of Community Zoning Appeals Board 11 and after having given an opportunity for interested parties to be heard, it is the opinion of this Board to vacate resolution CZAB11-14-02 and remand the application back to Community Appeals Board 11 for further consideration with instructions to act on the matter at the first hearing for which it can be properly advertised, and

WHEREAS, COUNTRYSIDE INVESTMENTS, LLC F/K/A: WILLIAM P. CALVERT. TR applied to CZAB 11 for the following:

(1) AU to RU-TH

SUBJECT PROPERTY: Tract 5 of MIAMI EVERGLADES LAND CO. SUBDIVISION, Plat book 2, Page 3 in Section 29, Township 54 South, Range 39 East.

LOCATION: The Southwest corner of S.W. 162 Avenue & S.W. 56 Street, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 11 was advertised and held, as required by law, and all interested parties concerned

in the matter were given an opportunity to be heard, and at which time the applicant proffered a Declaration of Restrictions which among other things provided for:

- 1) That said Property shall be developed substantially in accordance with the plans previously submitted entitled " Countryside Villas", as prepared by CAD Studio Architecture, Inc., consisting of 15 sheets; to wit: Sheet A-1 dated received June 17, 2002; and Sheets A-1A, A-1B, A-1C and A-2 through A-9; and Sheets L-1, L-2, and L-3 as prepared by Hall & Bell, P.A., all dated received September 17, 2001, and said plans being on file with the Miami-Dade County Department of Planning and Zoning, and by reference made a part of this agreement.
- 2) That the Property shall be developed with no more than 53 single-family dwelling units.
- 3) That the Owners shall be able to obtain building permits but that final zoning inspection approval shall not be obtained for any homes on the Property prior to October 1, 2004.
- 4) That the owner shall obtain approval for the proposed lake by the Administrative Site Plan approval process.

WHEREAS, this Board has been advised that the subject application has been reviewed for compliance with concurrency requirements for levels of services and, at this stage of the request, the same was found to comply with the requirements, and

WHEREAS, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested district boundary change to RU-TH would be compatible with the neighborhood and area concerned and would not be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be approved, and that the proffered Declaration of Restrictions should be accepted, and

WHEREAS, a motion to approve the application and to accept the proffered Declaration of Restrictions was offered by Roy Bustillo, seconded by Steve Francken, and upon a poll of the members present the vote was as follows:

Don Abbott
Charlene Burks
Roy Bustillo

nay
aye
aye

Miguel Cervera
John Feinberg
Steve Francken

aye
aye
aye

Patrick M. Fiore

nay

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 11, that the requested district boundary change to RU-TH be and the same is hereby approved and said property is hereby zoned accordingly.

BE IT FURTHER RESOLVED that, pursuant to Section 33-6 of the Code of Miami-Dade County, Florida, the County hereby accepts the proffered covenant and does exercise its option to enforce the proffered restrictions wherein the same are more restrictive than applicable zoning regulations.

BE IT FURTHER RESOLVED, notice is hereby given to the applicant that the request herein constitutes an initial development order and does not constitute a final development order and that one, or more, concurrency determinations will subsequently be required before development will be permitted.

The Director is hereby authorized to make the necessary changes and notations upon the maps and records of the Miami-Dade County Department of Planning and Zoning and to issue all permits in accordance with the terms and conditions of this resolution.

PASSED AND ADOPTED this 4th day of February, 2003.

Hearing No. 00-9-CZ11-1
ej

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

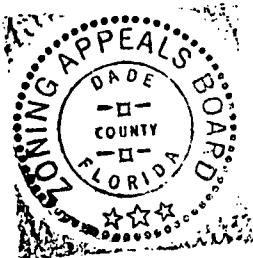
I, Earl Jones, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Miami-Dade County Community Zoning Appeals Board CZAB 11, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB11-8-03 adopted by said Community Zoning Appeals Board at its meeting held on the 4th day of February, 2003.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 6th day of March, 2003.



Earl Jones, Deputy Clerk (3230)
Miami-Dade County Department of Planning and Zoning

SEAL





DEPARTMENT OF PLANNING AND ZONING

MAIN OFFICE

□ 111 NW 1 STREET, SUITE 1210
MIAMI, FLORIDA 33128
(305) 375-2800

PERMITTING AND INSPECTION OFFICE

11805 S.W. 26 Street
MIAMI, FLORIDA 33175
□ IMPACT FEE SECTION
(786) 315-2670 • SUITE 145
□ ZONING INSPECTION SECTION
(786) 315-2660 • SUITE 223
□ ZONING PERMIT SECTION
(786) 315-2666 • SUITE 106
□ ZONING PLANS PROCESSING SECTION
(786) 315-2650 • SUITE 113

March 7, 2003

Countryside Investments, LLC/ F/K/A; William P. Calvert Tr.
c/o Ben Fernandez
200 S. Biscayne Boulevard, Ste 850
Miami, FL 33184

Re: Hearing No. 00-9-CZ11-1
Location: The Southwest corner of S.W. 162 Avenue & S.W. 56 Street

Dear Applicant:

Enclosed herewith is Resolution No. CZAB11-8-03, adopted by the Miami-Dade County Community Zoning Appeals Board 11, which accepted your Declaration of Restrictions and approved your district boundary change to RU-TH on the above described property.

Once the use has been established, failure to maintain compliance with any of the required conditions will result in the immediate issuance of a civil violation notice for each condition violated. Each ticket issued will require payment of a daily monetary fine in the amount of \$500.00.

If there are any anticipated changes from the plan submitted for the hearing, a plot use plan should be submitted to this department in triplicate before any detailed plans are prepared, inasmuch as building permits will not be issued prior to the approval of said plan.

Application for necessary permits and /or Certificate of Use and Occupancy permits should be made with this Department, or the Building Department as appropriate. At time of permit application you must provide a copy of this resolution.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Earl Jones'.

Earl Jones
Deputy Clerk

Enclosures